

United States Senate
WASHINGTON, DC 20510

April 17, 2007

The Honorable Charles D. Nottingham
Chairman
The Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Dear Chairman Nottingham:

We are appalled to learn that the Surface Transportation Board (STB) has decided to increase the filing fee for standard rail rate challenges brought by rail customers to \$178,200. We believe that this level of filing fee for a complaint that, by law, can only be brought to the STB is simply unconscionable and will for most rail customers stand as an insurmountable barrier to seeking relief from railroad monopoly pricing. Were these cases jurisdictional to the federal courts, we understand that a complainant would be required to pay only a \$150 filing fee to seek justice.

We are concerned that this steep rate increase falls into an unfortunate pattern of actions by the STB:

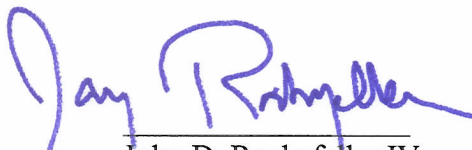
- In October 2006 the Government Accountability Office (GAO) issued a report finding inadequate competition in the rail industry and recommending actions the STB might take to resolve these issues. The STB has flatly refused to take action to increase competition in the rail industry.
- The GAO report found that the STB processes that were developed to protect rail customers from railroad abuses of market power do not work. Since 1995, the STB has been attempting unsuccessfully to develop a useable set of rules and procedures for "small rate" cases. Last year, the STB proposed rules that rail customers universally view as the least rail customer-friendly rules yet proposed by the STB.
- Finally, after more than a year of complaints by rail customers and Members of Congress, the STB finally determined earlier this year that the major railroads have been "double dipping" and otherwise overcharging rail customers through fuel adjustment clauses. One economist estimates the four Class I railroads over-collected \$1 billion in 2005 alone and perhaps as much as \$3 billion over the last two and a half years. While the STB stopped this unreasonable rail practice after April 25th of this year, the agency neither ordered refunds nor moved to suspend this practice while it was occurring.

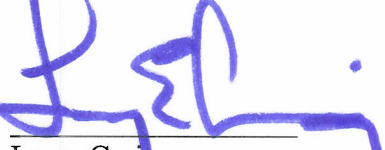
Nottingham, STB
April 17, 2007


Members of Congress increasingly are hearing from our rail customer constituents that the STB is not protecting rail customers from railroad abuses of market power as it was directed to do at its creation in 1995. Your recent decision on the issue of filing fees tends to verify these concerns.

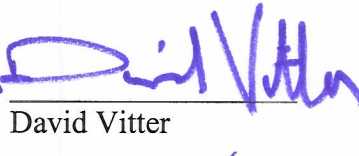
We ask you to reconsider immediately your filing fee increase and not only suspend the increase, but institute reasonable filing fees in line with the filing fees that plaintiffs would pay for similar complaints filed in the United States Districts Courts.

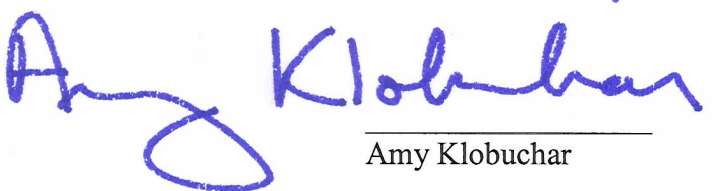
Sincerely,

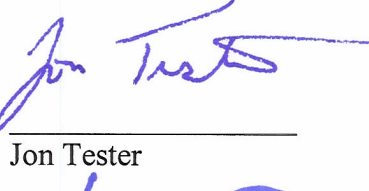

John D. Rockefeller IV


Larry Craig


Byron Dorgan


David Vitter


Amy Klobuchar


Jon Tester


Mary Landrieu


Max Baucus

Cc: Vice Chairman Buttrey
Board Member Mulvey